

VZCZCXRO1417  
OO RUEHIK  
DE RUEHC #6792/01 0550111  
ZNR UUUUU ZZH  
O 240108Z FEB 10  
FM SECSTATE WASHDC  
TO ALL DIPLOMATIC AND CONSULAR POSTS COLLECTIVE IMMEDIATE  
RUEHTRO/AMEMBASSY TRIPOLI IMMEDIATE 2849  
RUEHRY/AMEMBASSY CONAKRY IMMEDIATE 3700  
RUEHPU/AMEMBASSY PORT AU PRINCE IMMEDIATE 0944

UNCLAS SECTION 01 OF 02 STATE 016792

SIPDIS

E.O. 12958: N/A

TAGS: APER

SUBJECT: INCUMBENT PUBLIC FINANCIAL DISCLOSURE REPORTS

STATE 00016792 001.2 OF 002

**¶11.** Most senior employees and political appointees must annually file an "incumbent" Public Financial Disclosure Report (SF 278). Although the statutory filing deadline is May 15, 2010, the Department is asking each public filer to submit his or her completed SF 278 to you by April 15 to help ensure that the intermediate and final review of forms is accomplished within the timeframes established by law.

**¶12.** Your Role. We need your help in making sure that these reports are completed correctly and on time. We request that you:

- \* Identify all employees assigned to your bureau or post who are filers (see "Who Must File" below);
- \* Forward the names of all filers to L/Ethics/FD by March 16, 2010, by email, fax, cable or mail;
- \* Provide to each filer a copy of the Guidance for All Incumbent SF 278 Filers, a blank SF-278, and a Checklist to Avoid Common Errors (For Incumbent SF 278 Filers). These documents are available on the Department of State ethics program website on the intranet, at: <http://1.s.state.sbu/sites/emp/Pages/Financial%20Disclosure.aspx>.

- \* Employees may use the SF-278 Wizard that can be found on the Department's Intranet Ethics and Political Activities Webpage under Public Financial Disclosure. The guidance and links to the SF-278 Wizard and Training Manual can be found here. Employees also may access the SF-278 from their home computers using the internet (<http://forms.cerenade.com/sf278>). Even if a person uses the Wizard and has completed an electronic version of the report, they are still required to provide a signed and dated copy of the form to L/Ethics/FD. This is because there is no approved electronic signature program within the Department;

- \* Accept, date, and initial receipt of each completed report in the "Agency Use Only" space;

- \* Ensure "senior review" of each report in accordance with 2 FAM 714.7 (Note: Senior Reviews would sign in the block that says, "Signature of Other Reviewer"); and

- \* Ensure that you or the senior reviewer transmits each report to L/Ethics/FD by April 15, 2010 (but not later than May 15, 2010). An extension past May 15, 2010 may be obtained from L/Ethics/FD.

Guidance for senior reviewers is available on the Department's Intranet Ethics and Political Activities website under: <http://1.s.state.sbu/sites/emp/Pages/BureaucraticPostResponsibilities.aspx>.

¶3. Who Must File. The term "public filer" means any employee of the Department (including a "special Government employee," individuals serving in a "stretch assignment," or an individual on leave without pay) who held, was detailed or otherwise assigned to, or who served in an "acting" capacity in the following "covered" positions for more than 60 days during calendar year 2009:

- (a) An Executive Schedule, Senior Executive Service, or Senior Foreign Service position (or in the case of any individual whose pay is not fixed under the General Schedule and who does not serve in the Foreign Service, in a position for which the rate of basic pay is equal to or greater than \$155,440.50); or
- (b) A position not specified above that is excluded from the competitive service because it is of a confidential or policy-making character (all Schedule C employees and any limited non-career appointee in the Foreign Service who is a political appointee.)

STATE 00016792 002.2 OF 002

Exclusion: Certain employees in confidential or policy-making positions may be excluded from the filing requirement. Individuals qualifying under the exclusion may include chauffeurs, private secretaries, stenographers, and others holding positions of a similar nature. Contact L/Ethics/FD if you believe that an employee should be excused from the filing requirement under this provision. This exclusion must be requested every year; exclusions that may have been recognized in past years are no longer considered current.

60-day rule: An employee need not file an incumbent SF 278 if he or she worked in a covered position for 60 days or less in calendar year 2009. A full-time employee would not be required to file a report, therefore, if he or she began to serve in a covered position on or after November 2, 2009. This includes employee who have recently been promoted to the Senior Foreign Service and were not in a stretch position previously. To determine if a part-time or temporary employee served more than 60 days in calendar year 2009, you should count the days on which the person actually worked, even if that work was performed on a Saturday, Sunday, or holiday.

¶4. Submitting reports. Filers may submit a report by mail, fax, or email. Reports that are mailed should be sent to: L/Ethics/FD, H-228, 2401 E Street, NW, Washington, D.C. 20522. Reports that are faxed should be sent to (202) 663-3339. Reports that are scanned and L-EMP-FD Financial Staff. Remember L/Ethics/FD still needs an original copy of the report.

¶5. For Help. You may direct any questions to the ethics staff in the Financial Disclosure Division, Ethics Office (L/Ethics/FD) by phone at (202)663-3339 or by e-mail to L-EMP-FD Financial Staff.

¶6. Minimize considered.

CLINTON